

**IN THE CLAIMS:**

Please amend claims 1-3, 7, 17, 19, and 39 and cancel claim 18 without prejudice or disclaimer as follows.

1. (Currently Amended) A method, comprising:  
at least one stage to encode ~~of encoding~~ a frame in a communication network using at least one of a plurality of codec modes, wherein ~~the~~ an encoded frame ~~encoded~~ formed by each of said codec modes ~~is represented by~~ comprises a plurality of parameters,

~~said method comprising at least one stage and~~ wherein said at least one stage comprises:

preprocessing the frame to estimate values for said plurality of parameters;  
selecting one group from a plurality of groups of said codec modes using said estimated values, wherein each of said groups comprises at least one of said codec modes ~~mode~~ ~~and is arranged to have~~ comprises a common parameter characteristic; and

encoding the frame with one of the codec modes from the selected group in dependence on said common parameter characteristic.

2. (Currently Amended) A method as claimed in claim 1, comprising a plurality of said stages.

3. (Currently Amended) A method as claimed in claim 1, wherein the parameters comprise one or more of: a voice activity detection VAD-flag, a long term prediction ~~an LTP~~-filtering flag parameter, an immittance spectral pair ISP parameter, a pitch delay parameter, an algebraic ~~CB~~-codebook parameter, a gain parameter and a high-band energy parameter.

4. (Previously Presented) A method as claimed in claim 3, wherein the parameter characteristic is a bit size of the parameter.

5. (Original) A method as claimed in claim 1, wherein the frame is a speech frame.

6. (Previously Presented) A method as claimed in claim 1, wherein the selected group consists of one or more of said codec modes.

7. (Currently Amended) A method as claimed in claim 1, wherein the ~~step of~~ selecting said one codec mode group is in dependence on determined parameters determined from the encoding of the frame.

8. (Previously Presented) A method as claimed in claim 7, wherein the determined parameters are compared to threshold values.

9. (Original) A method as claimed in claim 8, wherein the one of the codec modes selected to encode the frame is dependent on the comparison of the threshold values.

10. (Original) A method as claimed in claim 8, wherein the thresholds values are dependent on a target bit rate.

11. (Previously Presented) A method as claimed in claim 8, wherein the thresholds values are stored in a tuning table, the tuning table comprising thresholds values for each of the parameters corresponding to each of the plurality of codec modes.

12. (Previously Presented) A method as claimed in claim 1, wherein each of the plurality of codec modes defines a bit rate for encoding the frame.

13. (Previously Presented) A method as claimed in claim 1, wherein said at least one stage being arranged to have a group with a codec mode with a lowest bit rate and another group with remaining codec modes.

14. (Previously Presented) A method as claimed in claim 13 comprising at least two stages, wherein said first stage being arranged to have two groups and said second stage being arranged to have at least three groups, wherein at least two of the groups of the second stage are contained in one of the groups of the first stage.

15. (Original) A method as claimed in claim 14 comprising three stages, wherein in said third stage, said frame is encoded by one of said plurality of codec modes.

16. (Original) A method as claimed in claim 1, wherein the plurality of codec modes are codec modes of an adaptive multi rate codec.

17. (Currently Amended) An apparatus, comprising  
~~for encoding a frame in a communication network using a plurality of codec~~  
~~modes, wherein the frame encoded by each codec mode is represented by a plurality of~~  
~~parameters, said apparatus comprising at least one stage and wherein said at least one~~  
~~stage comprises:~~

a processor configured to preprocess a frame to estimate values for a plurality of  
parameters, wherein the frame is configured to be encoded in a communication network  
using at least one of a plurality of codec modes, wherein an encoded frame formed by  
each of said codec modes comprises said plurality of parameters;

a ~~selecting unit~~ circuitry configured to select one group from a plurality of groups of said codec modes, wherein each of the groups comprises at least one of said codec ~~mode~~ modes and ~~is arranged to have~~ comprises a common parameter characteristic; and  
an encoder ~~encoding unit~~ configured to encode the frame with one of the codec modes from the selected group in dependence on said common parameter characteristic.

18. (Cancelled)

19. (Currently Amended) An apparatus as claimed in claim 17, wherein the parameters comprise one or more of: a voice activity detection ~~VAD~~-flag, a long term prediction ~~an LTP~~-filtering flag parameter, an immitance spectral pair ~~ISP~~-parameter, a pitch delay parameter, an algebraic ~~CB~~codebook parameter, a gain parameter and a high-band energy parameter.

20. (Previously Presented) An apparatus as claimed in claim 19, wherein the parameter characteristic is a bit size of the parameter.

21. (Original) An apparatus as claimed in claim 17, wherein the frame is a speech frame.

22-38. (Cancelled)

39. (Currently Amended) An apparatus, comprising:  
~~for encoding a frame in a communication network using a plurality of codec~~  
~~modes, wherein the frame encoded by each codec mode is represented by a plurality of~~  
~~parameters, said apparatus comprising at least one stage and wherein said at least one~~  
~~stage comprises:~~

processing means for preprocessing a frame to estimate values for a plurality of  
parameters, wherein the frame is configured to be encoded in a communication network  
using at least one of a plurality of codec modes, wherein an encoded frame formed by  
each of said codec modes comprises said plurality of parameters;

selecting means for selecting from a plurality of groups of codec modes one group,  
wherein each of said groups ~~group~~ comprises at least one of said codec modes ~~mode~~ and  
~~is arranged to have~~ a common parameter characteristic; and

encoding means for encoding the frame with one of the codec modes from the  
selected group in dependence on said common parameter characteristic.